

REMARKS

Claims 1-37 are pending in the present application. In the foregoing amendments, Claims 8, 22-23, 25, 30-31 and 35-36 have been amended. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added by these amendments.

Applicants respectfully request entry of the foregoing amendments and reconsideration of the application in light of the amendments above and the remarks below.

I. Claim 23 Objected

In the Office Action mailed June 13, 2007 (hereinafter, "Office Action"), claim 23 stands objected because of informalities. Claim 23 recites "one or more transmission indicators" on line 2 and "the transmission requests" on line 4. Claim 23 has been amended to correct this typographical error as suggested by the Office Action. (See Office Action, page 2.) As such, Applicants respectfully request that the objection of claim 23 be withdrawn.

II. Claims 23, 25 and 30 Rejected Under 35 U.S.C § 112

Claims 23, 25 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23, 25 and 30 have been amended to include "receiving, at a scheduler,....." As such, Applicants respectfully request that the rejection of claims 23, 25 and 30 be withdrawn.

III. Claims 1-6, 8-17, 19-22 and 25-30 Rejected Under 35 U.S.C. § 102

Claims 1-6, 8-17, 19-22 and 25-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,387 to Dulin et al. (hereinafter, "Dulin"). Applicants respectfully traverse.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id.

(citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not disclose all of the subject matter in these claims.

Claim 1 recites “determine if each of one or more remote devices corresponding to one or more data transmission indicators has a capacity reservation in an admission profile.” Dulin does not disclose this subject matter.

Instead Dulin states:

The block weight determines the minimum number of previously described blocks that are allocated to a service flow request at a time. The block weight is generally determined according to the priority of the data being requested. That is, certain types of service flow requests are for higher priority information. By allocating a larger block weight, the service flow request will be satisfied more quickly.

For a service request having a block weight of two, for example, the mapping of the schedule will allocate two successive blocks to the service request. A larger block weight will cause a larger number of blocks to be allocated to a service request.

Dulin, col. 13, lines 40-52.

The Office Action points to the above-cited passage of Dulin to support the assertion that “Dulin discloses . . . blocks are assigned according to a collection of one or more data requests from the remote devices (this collection is viewed as equivalent to an admission profile).” (Office Action, page 3.) However, there is no disclosure that this “collection of one or more data requests” includes a “capacity reservation.” The Office Action asserts that “these blocks [are] viewed as equivalent to a capacity reservation.” (Office Action, page 3.) As provided above, Dulin states that “blocks . . . are allocated to a service flow request.” Allocating blocks to a service flow request does not disclose “a capacity reservation in an admission profile.” In fact, the step of “allocating” is performed after “a capacity reservation is found.” For example, claim 1 further recites “allocate capacity in accordance with a data transmission indicator when a capacity reservation is found.” (Emphasis added.) There is no disclosure by Dulin of

establishing “a capacity reservation” before capacity is allocated. Instead, Dulin simply states that “blocks . . . are allocated to a service flow request.”

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from Dulin. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-6 depend either directly or indirectly from claim 1. As such, Applicants respectfully request that the rejection of claims 2-6 be withdrawn.

Claim 8 has been amended to include subject matter similar to the subject matter of claim 1. As such, Applicants submit that claim 8 is patentably distinct from Dulin, for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 8 be withdrawn.

Claims 9-17 and 19-21 depend either directly or indirectly from claim 8. Accordingly, Applicants respectfully request that the rejection of claims 9-17 and 19-21 be withdrawn.

Claim 22 has been amended to include subject matter similar to the subject matter of claim 1. As such, Applicants submit that claim 22 is patentably distinct from Dulin, for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 22 be withdrawn.

Claim 25 includes subject matter similar to the subject matter of claim 1. As such, Applicants submit that claim 25 is patentably distinct from Dulin, for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 25 be withdrawn.

Claims 26-29 depend either directly or indirectly from claim 25. Accordingly, Applicants respectfully request that the rejection of claims 26-29 be withdrawn.

Claim 30 includes subject matter similar to the subject matter of claim 1. As such, Applicants submit that claim 30 is patentably distinct from Dulin, for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 30 be withdrawn.

IV. Claims 7 and 18 Rejected Under 35 U.S.C. § 103

Claims 7 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dulin in view of “Integrating Differentiated Services with ATM”, Telecommunications Systems, April 2002, pgs. 403-423 by Manjanatha et al. (hereinafter, “Manjanatha”). Applicants respectfully traverse.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

Claim 7 depends indirectly from claim 1 and claim 18 depends indirectly from claim 8. Accordingly, Applicants respectfully request that the rejection of claims 7 and 18 be withdrawn.

V. Claims 23, 24 and 31-35 Rejected Under 35 U.S.C. § 103

Claims 23, 24 and 31-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,192,026 to Pollack et al. (hereinafter, “Pollack”) in view of U.S. Patent No. 6,650,630 to Haartsen (hereinafter, “Haartsen”). Applicants respectfully traverse. The standard to establish a *prima facie* case of obviousness is provided above. See M.P.E.P. § 2142.

Claim 23 has been amended to recite “wherein the admission profile includes a capacity reservation for the one or more remote devices.” Support for this amendment may be found in

claims 1 and 8. Pollack, alone or in combination with Haartsen, does not teach or suggest this subject matter.

The Office Action admits that “Pollack fails to disclose an admission profile.” (Office Action page 11.) The addition of Haartsen does not overcome the deficiencies of Pollack.

Instead Haartsen states:

A system and method for resource management and traffic control in time division duplex communication systems is discloses [sic]. A multi-radio base station maintains communication links with a plurality of remote terminals, each of which requests a specific bandwidth ratio.

Haartsen, Abstract.

The Office Action asserts that “the collection of transmission requests from the remote terminals” discloses an admission profile. (See Office Action, page 11.) However, Haartsen does not teach or suggest that this collection of transmission requests “includes a capacity reservation for the one or more remote devices.” Instead, Haartsen teaches that these requests include a request for “a specific bandwidth ratio.” Simply requesting a bandwidth ratio does not teach a “capacity reservation.” There is no teaching or suggestion that these requests include a reservation for a specific capacity for “the one or more remote devices.” In addition, Haartsen does not allocate slots in accordance with an “admission profile [that] includes a capacity reservation.” Instead, “[a] controller analyzes the requested bandwidth ratios and allocates slots in the base station according to a packing scheme that synchronizes the transmission and receive timing of the multiple base station radios communication links.” (Haartsen, Abstract.) Allocating slots based on a packing scheme does not teach or suggest “granting . . . transmission requests in accordance with an admission profile . . . [that] includes a capacity reservation.” In other words, “a packing scheme” does not teach or suggest an “admission profile [that] includes a capacity reservation.”

In view of the foregoing, Applicants respectfully submit that claim 23 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 23 be withdrawn.

Claim 24 depends directly from claim 23. Accordingly, Applicants respectfully request that the rejection of claim 24 be withdrawn.

Claim 31 has been amended with subject matter similar to the subject matter amended to claim 23. As such, Applicants submit that claim 31 is patentably distinct from the cited references, for at least the same reasons as those presented above in connection with claim 23. Accordingly, Applicants respectfully request that the rejection of claim 31 be withdrawn.

Claims 32-34 depends directly from claim 31. Accordingly, Applicants respectfully request that the rejection of claims 32-34 be withdrawn.

Claim 35 has been amended with subject matter similar to the subject matter amended to claim 23. As such, Applicants submit that claim 35 is patentably distinct from the cited references, for at least the same reasons as those presented above in connection with claim 23. Accordingly, Applicants respectfully request that the rejection of claim 35 be withdrawn.

VI. Claims 36 and 37 Rejected Under 35 U.S.C. § 103

Claims 36 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollack in view of Haartsen in further view of U.S. Patent No. 7,085,279 to Kumar et al. (hereinafter, “Kumar”). Applicants respectfully traverse. The standard to establish a *prima facie* case of obviousness is provided above. See M.P.E.P. § 2142.

Claim 36 has been amended to recite “wherein the admission profile includes a capacity reservation for the one or more remote devices.” Support for this amendment may be found in claims 1 and 8. Pollack, Haartsen and Kumar, alone or in combination, do not teach or suggest this subject matter.

The Office Action admits that “Pollack fails to disclose an admission profile.” (Office Action page 15.) The addition of Haartsen and Kumar does not overcome the deficiencies of Pollack.

Instead Haartsen states:

A system and method for resource management and traffic control in time division duplex communication systems is discloses [sic]. A multi-radio base station maintains communication links with a plurality of remote terminals, each of which requests a specific bandwidth ratio.

Haartsen, Abstract.

The Office Action asserts that “the collection of transmission requests from the remote terminals” discloses an admission profile. (See Office Action, page 15.) However, Haartsen

does not teach or suggest that this collection of transmission requests “includes a capacity reservation for the one or more remote devices.” Instead, Haartsen teaches that these requests include a request for “a specific bandwidth ratio.” Simply requesting a bandwidth ratio does not teach a “capacity reservation.” There is no teaching or suggestion that these requests include a reservation for a specific capacity for “the one or more remote devices.” In addition, Haartsen does not allocate slots in accordance with an “admission profile [that] includes a capacity reservation.” Instead, “[a] controller analyzes the requested bandwidth ratios and allocates slots in the base station according to a packing scheme that synchronizes the transmission and receive timing of the multiple base station radios communication links.” (Haartsen, Abstract.) Allocating slots based on a packing scheme does not teach or suggest “granting . . . transmission requests in accordance with an admission profile . . . [that] includes a capacity reservation.” In other words, “a packing scheme” does not teach or suggest an “admission profile [that] includes a capacity reservation.”

The addition of Kumar does not overcome the deficiencies of Pollack or Haartsen. Instead, the Office Action merely points to Kumar to support the assertion that “Kumar . . . discloses a computer readable medium storing a program to perform a connection setup over a packet network in conjunction with a switching network.” (Office Action, page 15.) However, the Office Action does not point to, and Applicants cannot find, any teaching or suggestion by Kumar of an “admission profile [that] includes a capacity reservation for the one or more remote devices.”

In view of the foregoing, Applicants respectfully submit that claim 36 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 36 be withdrawn.

Claim 37 depends directly from claim 36. Accordingly, Applicants respectfully request that the rejection of claim 37 be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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